

Editorial, May 26, 2012

## [Our View: Congress should pass DISCLOSE Act](#)

### **It's important for voters to know where candidates are getting their money.**

There was a time in America when someone could give a bag of cash to a congressman and call it a campaign contribution without any limits or record of the transaction.

Virtually no one thinks that is a better system than the one we have today, in which contributions are recorded, tracked by the media and voters have access to information about who is bankrolling their representative's campaign. (The political story of last week, in which [Angus King](#), an independent candidate for the U.S. Senate, was revealed to have donated to the presidential campaign of Democrat [Barack Obama](#), would not have surfaced without disclosure laws.)

But since disclosure laws were created, new kinds of organizations that inject money into politics have sprung up. Nonprofit advocacy groups known as 527s, a reference to a section of the tax code, create issue ads that can help candidates. Super PACs allow corporations, unions and other associations to anonymously channel unlimited contributions into the electoral process. It is more sophisticated, but the effect is little different from the bag of cash that was once slid under the table.

This is the problem that the DISCLOSE Act is designed to fix, and Maine's members of Congress should get behind it in time for it to take effect in this political season.

Just as the name suggests, the DISCLOSE (Democracy Is Strengthened by Casting Light On Spending in Elections) Act would require groups that spend more than \$10,000 during the campaign season in an effort to influence elections -- even if it is spent on "issue ads" that don't endorse a candidate by name -- should be required to reveal where the money came from. And just as with a candidate's political ad, the people responsible for the message would have to publicly approve it.

This is important information for voters to have. When you know the messenger's agenda, it affects how you interpret the message.

This also raises an important First Amendment issue about whether a requirement to disclose could chill free speech. Sometimes people will not participate in the process if they are afraid of the personal consequences that would come their way if their identity were made public. This argument has most recently been raised (unsuccessfully) by opponents of same-sex marriage, who have fought to keep their donor lists private, but there have been other cases involving civil rights organizations in the Deep South that were allowed to keep their donors secret because there was a real danger of backlash.

This is a serious question, but one that should be decided in the favor of disclosure.

The current situation has given corporations and wealthy individuals the freedom to influence elections and officeholders as effectively as the shadowy figures of the past who came carrying a bag of cash. Organizations that can demonstrate likelihood of real harm to their donors, and not just a suspicion that there might be harm, can be protected by the courts. But giving blanket protection to all corporations all the time has less to do with free speech than it does with giving the wealthy even more influence over the government.

It does not limit their free speech to require that a super PAC attack ad, which has just as much impact on a race as a candidate's own campaign message, should have to follow the same rules around disclosure.

Time is running out to put this reform in place before this election. Members of Maine's delegation should do their part to get this done.